

SULLIVAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----x
UNITED STATES OF AMERICA

- v. -

FRANKIE TORRES,

Defendant.

-----x
COURT ONEUSDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 100-11200
DATE FILED: OCT 11 2007
INDICTMENT

07 Cr.

07 CRIM 957

The Grand Jury charges:

1. From in or about September 2006, up to and including in or about May 2007, in the Southern District of New York and elsewhere, FRANKIE TORRES, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other, to commit offenses against the United States, to wit, to violate Title 18, United States Code, Section 1344.

2. It was a part and an object of the conspiracy that FRANKIE TORRES, the defendant, and his coconspirators, unlawfully, willfully, and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1344.

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about November 2006, in the Bronx, New York, FRANKIE TORRES, the defendant, accepted \$300 from a coconspirator ("Coconspirator-1"), not charged herein, in exchange for a promise that TORRES would open a bank account at Citibank, and later give Coconspirator-1 the ATM card and checks associated with the account.

b. In or about November 2006, in the Bronx, New York, Coconspirator-1 and TORRES traveled to at least two Citibank branches and withdrew cash from the Citibank account opened by TORRES, amounting to at least \$3000, with the knowledge that these withdrawals exceeded available funds in the account.

c. In or about November 2006, in the Bronx, New York, TORRES accepted \$1200 from Coconspirator-1 for his participation in this activity.

d. In or about December 2006, in the Bronx, New York, TORRES promised to pay another individual in exchange for opening another bank account and providing his account information and devices to Coconspirator-1.

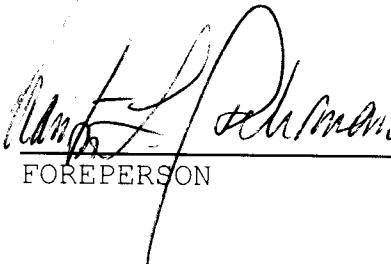
(Title 18, United States Code, Section 1349.)

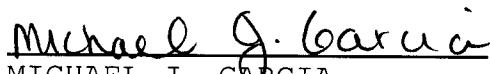
COUNT TWO

The Grand Jury further charges:

4. From in or about September 2006, up to and including in or about May 2007, in the Southern District of New York and elsewhere, FRANKIE TORRES, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, TORRES knowingly deposited checks unsupported by sufficient funds into Citibank accounts and later withdrew cash from Citibank accounts before the bank was able to determine that the checks were unsupported by sufficient funds.

, (Title 18, United States Code, Sections 1344 and 2.)


John P. O'Brien
FOREPERSON


Michael J. Garcia
MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

FRANKIE TORRES,

Defendant.

INDICTMENT

07 Cr.

(18 U.S.C. §§ 1349, 1344 and 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Michael J. Garcia, Oct. 12, 07

10/12/07 A.I.D. Part 11-187 This case
is assigned to Judge Settimi for
all purposes.

By T.J. M. 10/12/07